



## **FAQ regarding the mandatory reporting of a teacher or Other licensed school employee convicted of certain criminal offenses.**

1. **What are prosecutors required to report and to whom?** IC 20-28-5-8 provides that when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection IC 20-28-5-8(c), the prosecuting attorney shall immediately give written notice of the conviction to the state superintendent and the superintendent, or nonpublic school equivalent, of the school that employs the teacher. If the licensed individual is the school's superintendent, the notice must go to the presiding officer of the school's governing body. This notice is required when any licensed school employee is convicted of the offenses outlined herein.
2. **What are Indiana courts required to report and to whom?** Beginning on July 1, 2016, when a licensed teacher is convicted of any offense listed in IC 35-50-10-19(a), the judge presiding over the sentencing must provide written notice of the conviction to the state superintendent and the superintendent, or nonpublic school equivalent, of the school where the teacher was or is employed. See IC 35-50-10-1. This statute only requires notice if the individual convicted is a licensed teacher who is or was employed in a primary or secondary school (K-12).
3. **What is the time-frame for reporting a conviction of an Indiana teacher or licensed school employee?** Prosecutor must "immediately" report a conviction. The sentencing court must provide notice within seven (7) days of the date judgment is entered.
4. **What does the Indiana Department of Education do with the notices?** Under IC 20-28-5-8, the superintendent, through the department, is required to permanently revoke the license of any teacher convicted of the offenses outlined in this FAQ. The revocation occurs through an administrative process initiated by a filing of a complaint with an administrative law judge. The notice of conviction informs the department of the identities of teachers who are subject to permanent revocation of their teaching licenses. Other licensed professionals working in schools are subject to a similar revocation process.
5. **What form must the notices take?** The two statutes involved here do not specify the form the notices must take. However, for efficiency and for consistency, the department has created a form for the sentencing court or prosecutor to complete and submit to the department. The form can be found on our website at: <http://www.doe.in.gov/legal>.

6. **May a licensed teacher voluntarily agree to a permanent revocation of the teacher's license? If the answer is yes, must the teacher voluntarily agree to revocation as part of sentencing or a plea?** Yes, often a teacher, who is eligible for permanent revocation of the teacher's license, will agree to revocation in lieu of the formal revocation proceedings. The department has created a *Voluntary Stipulation* Form, which is posted on the department's website at <http://www.doe.in.gov/legal>. This form allows the department to permanently revoke the teacher's license by agreement without initiating formal adjudication proceedings.

A teacher is not required to agree to a voluntary revocation of the license as part of a plea agreement; however, the parties are free to negotiate this as a term of a plea agreement. If voluntary revocation is agreed to by the teacher, the teacher must execute the voluntary stipulation located on the department's website above. The executed stipulation form must then be returned to the department at the address provided for in question number 8.

7. **Does the trial court have the authority to permanently revoke or suspend a teacher's teaching license as part of the sentencing?** No, the trial court currently does not have the authority to revoke or suspend a teacher's license as part of any plea or sentencing order. However, a teacher may agree to enter into a voluntary stipulation if the teacher chooses. Please see FAQ number 6.

8. **Where does a sentencing court or prosecutor send the notification of a conviction?** Please send the notice to the Indiana Department of Education at: 115 West Washington Street, South Tower, Suite 600, Indianapolis, IN 46204, by fax at 317-232-0744, email [legal@doe.in.gov](mailto:legal@doe.in.gov). Notices may be mailed, emailed or faxed.

**What if a teacher is convicted of a crime that is not listed in the required revocation statutes, should the sentencing court or prosecutor still send in the information to the IDOE?** Yes, the IDOE has the discretion under IC 20-28-5-7 to seek a suspension or revocation of a teaching license in cases involving immorality, misconduct in office, incompetency, or willful neglect of duty. If a sentencing court or prosecutor believes a conviction should be brought to the attention of the IDOE, the court or prosecutor should send that information. This is not required, however. Please use the same form notice.

9. **Where do I find the teacher's license number?**

An Indiana teacher's license number can be found on the Department's Indiana Educator License Lookup website at <https://licenselookup.doe.in.gov/TeacherInquiry.aspx>